A5 cont.

19. The method of claim 13, wherein the DNA sequence is in the bacteria's chromosome.

Add B7

REMARKS

This Preliminary Amendment is submitted in the above-identified patent application. Pursuant to the Preliminary Amendment, Claims 1, 4, 5-6, 8, and 10-17 have been amended and newly-submitted Claims 18-19 have been added. This Preliminary Amendment does not add new subject matter. Applicants also note for the record that the purpose of this Preliminary Amendment is to place the claims in proper format and/or add additional claims and not for purposes of narrowing the claims. This Preliminary Amendment is not being submitted for purposes of patentability and therefore Applicants do not intend to disclaim any subject matter in view of this Preliminary Amendment.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Versions with Markings to Show Changes Made.**"

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend Claims 1, 4, 5-6, 8, and 10-17 as follows:

1. (Amended) A DNA sequence represented by a [the following] general formula selected from the group consisting of:

$$p/o - (A)_n - R_y, \text{ [or] and}$$

$$p/o - R_y - (A)_n$$

wherein

p/o denotes the DNA sequence identified under SEQ ID No. 9, which retains its capability to bind to the lac repressor protein of Lactobacillus delbrueckii;

A denotes a heterologous gene coding for a polypeptide of interest,

n denotes an integer of ≥ 0;

R denotes a gene coding for the lac repressor protein as identified under SEQ ID No. 2; and

Y is 0 or 1.

4. (Amended) The DNA sequence according to claim 1 wherein the gene coding for a polypeptide of interest is selected from the group consisting of genes encoding enzymes, cell surface proteins, [or] and functional peptides.

5. (Amended) The DNA sequence according to claim 4, wherein the gene coding for a polypeptide of interest is selected from the group consisting of genes coding for dextransucrase, glycosyltransferase, phytase, transglutaminase, peptidase, phenylalanine ammonia lyase, protease, cell surface antigens, bacteriocins, hormones [or] and insulin.

6. (Amended) The DNA sequence according to [any of the preceding claims] claim 1, which is devoid of catabolite responsive elements.

8. (Amended) A recombinant microorganism harboring a DNA sequence [according to any of the preceding claims] represented by a formula selected from the group consisting of:

$$p/o - (A)_n - R_y, \text{ and}$$

$$p/o - R_y - (A)_n$$

wherein

p/o denotes the DNA sequence identified under SEQ ID No. 9, which retains its capability to bind to the lac repressor protein of Lactobacillus delbrueckii;

A denotes a heterologous gene coding for a polypeptide of interest,

n denotes an integer of ≥ 0;

R denotes a gene coding for the lac repressor protein as identified under SEQ ID No. 2; and

Y is 0 or 1.

10. (Amended) The microorganism according to claim 8 [or 9], which is selected from the group consisting of lactic acid bacteria.

11. (Amended) The microorganism according to [any of the claims] claim 8 [to 10], wherein the DNA sequence [of claims 1 to 7] is incorporated into the bacteria's chromosome [or is harbored in a plasmid maintained extra-chromosomal].

12. (Amended) The microorganism according to claim 8, which is selected from the group consisting of CNCM I-2089, CNCM I-2090 [or] and CNCM I-2091.

13. (Amended) [Use of] A method of producing a polypeptide comprising the steps of using a DNA sequence [according to any of the claims 1 to 7] represented by a formula selected from the group consisting of:

$$p/o - (A)_n - R_y, \text{ and}$$

$$p/o - R_y - (A)_n$$

wherein

p/o denotes the DNA sequence identified under SEQ ID No. 9, which retains its capability to bind to the lac repressor protein of Lactobacillus delbrueckii;

A denotes a heterologous gene coding for a polypeptide of interest,

n denotes an integer of ≥ 0;

R denotes a gene coding for the lac repressor protein as identified under SEQ ID No. 2; and

Y is 0 or 1 for the production of a polypeptide A.

14. (Amended) The [use] method according to claim 13, wherein the DNA sequence is harbored in a plasmid maintained extra-chromosomal [or is in the bacteria's chromosome].

15. (Amended) The [use] method according to [any of the claims] claim 13 [or 14], wherein expression is performed in gram positive microorganisms.

16. (Amended) The [use] method according to [any of the claims] claim 13 [to 15], wherein expression is performed in microorganisms selected from the group consisting of lactic acid bacteria.

17. (Amended) [The use of a microorganism according to any of the claims 8 to 11] A method for the production of food products comprising the steps of using a microorganism having a DNA sequence represented by a formula selected from the group consisting of:

$$p/o - (A)_n - R_y, \text{ and}$$

$$p/o - R_y - (A)_n$$

wherein

p/o denotes the DNA sequence identified under SEQ ID No. 9, which retains its capability to bind to the lac repressor protein of Lactobacillus delbrueckii;

A denotes a heterologous gene coding for a polypeptide of interest,

n denotes an integer of ≥ 0;

R denotes a gene coding for the lac repressor protein as identified under SEQ ID No. 2; and

Y is 0 or 1.

Please add newly-submitted Claims 18-19 as follows:

18. The microorganism according to claim 8, wherein the DNA sequence is harbored in a plasmid maintained extra-chromosomal.

19. The method of claim 13, wherein the DNA sequence is in the bacteria's chromosome.